



January 25, 2008

## SENATE BILL No. 258

DIGEST OF SB 258 (Updated January 22, 2008 2:09 pm - DI 106)

**Citations Affected:** IC 11-13.

**Synopsis:** Discharge of long term inmates. Requires the department of correction to provide for an automatic, one time review of the sentence of a long time inmate who has not been convicted of a violent offense to determine whether the inmate has been rehabilitated and has suitable plans that would warrant discharge from custody. Requires an inmate released by the department to be placed on parole.

**Effective:** July 1, 2008.

**Waterman**

January 10, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.  
January 24, 2008, amended, reported favorably — Do Pass.

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SB 258—LS 6155/DI 107+



January 25, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## SENATE BILL No. 258

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 11-13-9 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2008]:

4 **Chapter 9. Rehabilitation Based Discharge for Long Term**  
5 **Inmates**

6 **Sec. 1. This chapter does not apply to the following:**

7 (1) An inmate who receives a sentence of death under  
8 IC 35-50-2.

9 (2) A sexually violent predator (as defined in IC 35-38-1-7.5).

10 (3) A person convicted of a crime of violence (as defined in  
11 IC 35-50-1-2).

12 **Sec. 2. Notwithstanding any other law, as soon as practicable**  
13 **after an inmate has been confined to the custody of the department**  
14 **for twenty-five (25) consecutive years, the department shall**  
15 **provide for an automatic, one (1) time review of the inmate's**  
16 **sentence to determine whether the circumstances warrant the**  
17 **inmate's discharge from the custody of the department.**

SB 258—LS 6155/DI 107+



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1        **Sec. 3.** The department shall establish a panel separate from the  
2 parole board to conduct the review.

3        **Sec. 4.** The panel shall consider all relevant factors in  
4 determining whether the inmate is to be discharged under this  
5 chapter, with special consideration to be given to an inmate who  
6 demonstrates each of the following:

7            (1) A good conduct history during confinement.

8            (2) Proof that the inmate will have suitable living quarters in  
9 a community if the inmate is discharged.

10          (3) Proof that one (1) or more employers in the area in which  
11 the inmate would reside if discharged have offered to employ  
12 the inmate for at least thirty (30) hours a week on the same  
13 terms as the employer employs other employees.

14          (4) Proof that the inmate:

15            (A) is at least a high school graduate; or

16            (B) has obtained:

17                  (i) a general equivalency degree; or

18                  (ii) a state of Indiana general educational development  
19 (GED) diploma.

20        **Sec. 5.** (a) If the panel determines that the inmate:

21            (1) has been properly rehabilitated; and

22            (2) has suitable plans to carry out if discharged;

23 the panel shall discharge the inmate from the custody of the  
24 department. An inmate who is released from confinement under  
25 this subsection must be placed on parole as described in subsection  
26 (b).

27        (b) An inmate who is discharged from the department under  
28 this section shall be placed on parole as follows:

29            (1) An inmate who is required to be placed on parole for the  
30 remainder of the inmate's life under IC 35-50-6-1(e) shall be  
31 placed on parole for the remainder of the inmate's life.

32            (2) An inmate who is a sex offender (as defined in  
33 IC 11-8-8-4.5) and who is not required to be placed on lifetime  
34 parole under IC 35-50-6-1(e) shall be placed on parole for ten  
35 (10) years, less any period of probation the inmate is required  
36 to serve.

37            (3) An inmate who is:

38                  (A) not an inmate described in subdivisions (1) or (2); and

39                  (B) not required to serve a period of probation;

40 shall be placed on parole for two (2) years.

41        **Sec. 6.** The department shall adopt rules under IC 4-22-2 to  
42 implement this chapter.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 258, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 6, delete "either of".

Page 1, between lines 9 and 10, begin a new line block indented and insert:

**"(3) A person convicted of a crime of violence (as defined in IC 35-50-1-2)."**

Page 2, line 18, after "5." insert "(a)".

Page 2, line 22, delete "However, an inmate who is a sex offender (as defined" and insert **"An inmate who is released from confinement under this subsection must be placed on parole as described in subsection (b)."**

Page 2, delete lines 23 through 25, begin a new paragraph and insert:

**"(b) An inmate who is discharged from the department under this section shall be placed on parole as follows:**

**(1) An inmate who is required to be placed on parole for the remainder of the inmate's life under IC 35-50-6-1(e) shall be placed on parole for the remainder of the inmate's life.**

**(2) An inmate who is a sex offender (as defined in IC 11-8-8-4.5) and who is not required to be placed on lifetime parole under IC 35-50-6-1(e) shall be placed on parole for ten (10) years, less any period of probation the inmate is required to serve.**

**(3) An inmate who is:**

**(A) not an inmate described in subdivisions (1) or (2); and**

**(B) not required to serve a period of probation;**

**shall be placed on parole for two (2) years."**

and when so amended that said bill do pass.

(Reference is to SB 258 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 5, Nays 4.

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